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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/843,596 | 04/26/2001 | Luke K. Surazski | 2705-152 | 8755 |
| 20575 | 7590 | 10/31/2005 | EXAMINER | |
| MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204 | | | | LEE, CHI HO A |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2663 | |

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/843,596 | SURAZSKI ET AL. |
| | Examiner | Art Unit |
| | Andrew Lee | 2663 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) 17-32,46-55 and 69-78 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16,33-45 and 56-68 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Election/Restrictions

1. Claims 17-32, 46-55, 69-78 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/26/05.

These claims should be cancelled in the next response.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 33-39, 41-43, 45, 56-60, 62, 64-66, 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Yogeshwar et al U.S. Patent Number 6,947,598.

Re Claims 1, 4, 33, 36, 41, 56, 59, 64, 65, fig. 9 teaches a device that includes a interface 904 (a network interface) that uses Internet Protocol (establishing a communication link...network) to delivery data to a end user (See col. 2, lines 2-10); a CPU 902 (a processor) coupled to the interface wherein the CPU (a processor) performs archiving of audio data packets according to fig. 1 wherein step 106 receives audio data; step 122 generates IAF file with metadata and indexing information for a

portion of the receive audio data and stores on archive media (a memory) the step 116 (See col. 9, lines 5-65) wherein IAF files are associates with portions of audio data (a second/third portion of the voice data...subsequent...portion).

Re Claims 2, 5, 34, 37, 38, 42, 57, 60, refer to Claim 1.

Re Claims 3, 6, 35, 39, 43, 58, 62, 66, refer to Claim 1, wherein the end user retrieves archive information by sending tagging input and received at the device of fig. 9 (See col. 19, lines 23-48).

Re Claims 45, 68, refer to Claim 1, first and second metadata are associated/stored in archive media as the same streaming data (a single arrangement)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-16, 40, 44, 61, 63, 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yogeshwar et al U.S. Patent Number 6,947,598.

Re Claims 7, 11, 12, 61, refer to Claim 1, Yogeshwar teaches that audio data can be received over the Internet. It is known that IP telephone is supported by the Internet standard. One skilled in the art would have been motivated to modify the device of fig. 9 to support storage and retrieval of VOIP data. In so doing, end user retrieves IP voicemail.

IP telephones have microphone for receiving local voice inputs, a codec (a signal processor) for converting local voice input and speakers for converting the retrieved voice data into sound.

Re Claims 8, 9, 13-16, 40, 44, 63, 67, refer to Claim 7, wherein the IP telephone has at least one key for tagging input associated with DTMF one (See col. 19, lines 23-48).

Re Claim 10, one skilled in the art would have motivated to use soft key for ease of selecting a intended function on the IP telephone.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI

10/26/05

ANDY LEE
PATENT EXAMINER

